

Chadds Ford Township Board of Supervisors Meeting  
March 5, 2003  
M I N U T E S

OFFICIALS PRESENT: James E. Shipley, Chairman  
Deborah Love D'Elia, Vice Chairman  
George M. Thorpe, Member  
Hugh A. Donaghue, Esquire, Township Solicitor  
James C. Kelly, Township Engineer  
Richard J. Jensen, Building Inspector, CEO  
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER

Mr. Shipley called the meeting to order at 7:30 PM. Those present said the Pledge of Allegiance.

PUBLIC COMMENT

Deborah Love D'Elia presented certificates to Mr. Jim Smith and Mr. Harry Markel on behalf of state Representative Stephen E. Barrar, and also on behalf of the residents of Chadds Ford Township, for their efforts in pursuing a robber at the Franklin Mint Credit Union. Mr. Smith and Mr. Markel's joint intervention and assistance led State Police to the eventual apprehension of the robber.

Kathleen Pileggi, Vice-President of the Rachel Kohl Community Library, introduced Marjorie Hill, the library's new director. Ms. Hill presented statistics on circulation, the number of patrons from Chadds Ford, and announced a municipal reception to be held on April 24<sup>th</sup> for elected officials only. Invitations will be forthcoming.

Jack and Marietta Tobin, 190 Ridge Road, addressed the Board regarding their letter dated February 8, 2003, that had been sent the Township objecting to the sewage expansion project on Ridge Road. The Tobins asked for a response from the Board regarding same. Mr. Shipley advised that the matter had been referred to the Township Solicitor, Hugh Donaghue.

Barbara Kisco, Bellfaire Lane, addressed the Board regarding the historic nature of Turner's Mill and questioned how much the site would be changed if the proposed conversion to a Township Hall is approved. Mr. Shipley answered that the project would have a dual purpose, that of restoring the exterior of the current structure to its original condition, or as near as possible, and the addition of office space for Township use.

STATE POLICE REPORT

A report was not available.

*MOTION TO APPROVE MINUTES*

Upon motion and second (Thorpe, D'Elia), the Board approved the minutes of the Board of Supervisors meeting of February 5, 2003, Revision of 3/4/03 – 12:24 PM, which

included revisions by all Supervisors.

#### SUPERVISOR'S REPORTS

Mr. Shipley reported that in recent correspondence he had learned that Comcast Cable had raised its rates for subscribers in Chadds Ford Township.

#### TREASURER'S REPORT

Mrs. Furlong reported the following balances for February, 2003:

Total all funds: \$ 686,409.21

Total all deposits: \$ 62,038.72

Total all disbursements: \$ 76,004.51

#### ROADMASTER REPORT

Mr. Prabel presented the Roadmaster's report for the month of February, 2003, a copy of which is attached hereto.

Mr. Shipley commended all Township officials, Mr. Prabel, Mr. Jensen and Mr. Wenrich for the tremendous job that had been done after the President's Day blizzard. Mr. Donahue stated that the Board was authorized to approve expenditures for emergency road repair bills if the situation so warranted.

#### PLANNING COMMISSION

Mr. Taylor presented the Planning Commission minutes for the meeting of Wednesday, February 26, 2003, a copy of which is attached hereto.

#### ZONING HEARING BOARD

Mr. Wandersee presented the Zoning Hearing Board report for the meeting of February 19, 2003, a copy of which is attached hereto.

#### HARB

There was nothing to report for the month.

#### SEWER AUTHORITY

Mr. Murray presented the Sewer Authority's report for February, 2003, a copy of which is attached hereto.

#### BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen reported on permit applications that had been made during the month of February. He also stated that a certified letter had been sent Kang Jang Lee regarding a bounced check that had been issued for payment of a court imposed fine.

#### TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report for the month of February, 2003, a copy of which is attached hereto.

#### *MOTION TO APPROVE REDUCTION IN LETTER OF CREDIT – TWIN MAGNOLIAS*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors approved a reduction in the letter of credit of Twin Magnolias in the amount of \$5,267.03, with a

remaining balance of \$10,290.78.

***MOTION TO APPROVE AUTHORIZATION TO EXECUTE DEVELOPER'S AGREEMENT  
- SAUNDERS PROPERTY***

Upon motion and second (Shipley, Thorpe), the Board of Supervisors approved signature of the Developer's Agreement for the Saunders Estate, subsequent to the Township solicitor receiving information relative to the bank name.

**SOLICITOR'S REPORT**

Mr. Donaghue deferred his remarks until the New Business portion of the agenda.

**OPEN SPACE COMMITTEE**

Lois Saunders was present to report. The monthly meeting was spent familiarizing new members with procedures. Land trust issues were also discussed.

***MOTION TO APPOINT DONALD WEISS TO OPEN SPACE COMMITTEE***

Upon motion and second (D'Elia, Shipley) Donald Weiss was unanimously appointed to fill the balance of this year's term on the Open Space Committee created by the resignation of Louis Jacono.

**TOWNSHIP PROPERTIES COMMITTEE**

Mr. Thorpe stated that a meeting of the Committee had not been held during February, however, he had received several estimates on building a model of the proposed Township Hall. Mr. Thorpe will schedule a meeting during the month of March to discuss formulating a schedule to move the project forward to referendum in November.

**FIRE MARSHALL**

Mr. Shipley reported that the Opening Burning ordinance had been submitted to the Planning Commission for review and comment.

Mr. Reiter queried as to whether or not all fire hydrants are operable within the Township. Mr. Wenrich replied that to the best of his knowledge, all fire hydrants are in good working order.

**FINANCIAL ADVISORY BOARD**

Mrs. Love-D'Elia stated that a meeting of the Board has been scheduled for Tuesday, March 11<sup>th</sup> since the annual audit was winding down.

**OLD BUSINESS**

Development Agreements for Cornerstone and Saunders had been previously addressed.

**NEW BUSINESS**

**TAXPAYER BILL OF RIGHTS**

Mr. Donaghue provided Board members with copies of the proposed Taxpayer Bill

of Rights ordinance that had been drafted and explained that the proposal would set forth the duties and obligations of the tax collector, as well as the complaint process, filing deadlines and forms for use by the taxpayer when appealing the township tax. There was discussion as to the contents. The Township Secretary was authorized to advertise the proposed Taxpayer Bill of Rights for consideration at the April meeting.

#### BED and BREAKFAST ORDINANCE

Mr. Donaghue distributed copies of the most current revision of the proposed Bed and Breakfast Ordinance. Changes had been made to the foot candle requirement and the wording under the ownership section. Mr. Shipley suggested that the Board authorize the advertisement of a public hearing on the ordinance at 7:00 PM on Wednesday, May 7<sup>th</sup>, prior the Board of Supervisor's meeting.

#### ESCROW FUNDS TO BE TRANSFERRED TO GENERAL FUND

Mrs. Furlong reported on a need to transfer funds from the Escrow account to the General Fund in the following amounts to correct an oversight of many months ago:

Barnaby's	\$ 258.38
Carefree Learning Center	\$ 602.64

Mr. Shipley authorized Mrs. Furlong to prepare necessary paperwork to transfer the funds.

#### RESOLUTION 2003-7 ESTABLISHING ADMINISTRATIVE FEES

The Resolution noted above was presented to the Board for consideration. Mr. Donaghue summarized that in regard to subdivision/land development work, the Township secretary spends many hours handling various tasks for which the Township bears the cost. The Municipal Planning Code allows the Township to charge a minimum sum of money, in the amount of a five percent (5%) handling fee, to reimburse the Township for those costs. Those present discussed whether or not current application fees already cover administrative costs. Mr. Donaghue further suggested that any administrative fee adopted can be applied to new development submissions only.

#### *MOTION TO APPROVE RESOLUTION 2003-7 ESTABLISHING A FIVE PERCENT ADMINISTRATIVE FEE BASED ON ALL LAND DEVELOPMENT CONSULTANTS' FEES*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors unanimously approved Resolution 2003-7 to establish a five percent (5%) administrative fee based on all land development consultants' fees billed to the developer by the Township.

#### SEPTA BRIDGE PROPOSAL

Mr. Donaghue informed those present of PennDOT's intention to remove the two span bridge over Creek Road and Harvey's Run. Mr. Reiter suggested that removal of those spans would open the road to buses, tractor trailers, etc. Mr. Shipley summarized outstanding safety issues and Mr. Prabel reviewed the process the Township had initiated. Mrs. Varney asked if fire trucks could pass under the bridge and Mr. Wenrich stated that two of Concordville Fire Company's essential fire trucks cannot pass under.

Mr. Donaghue suggested that if the PUC schedules a site conference, Mr. Jensen, Mr. Prabel, and perhaps representatives of the Brandywine Conservancy attend to convey the Township's agreement with the removal of the bridges, provided the abutments be permanently stabilized for safety and the posting of signs prohibiting trucks from using

Route 100. The Board objected to any suggestion that the Township should be responsible for maintenance of any section of the road, which is a state road. Mr. Donaghue was directed to write to the PUC to convey same.

#### BRANDYWINE BATTLEFIELD SIGNAGE

An agreement had been submitted to the Board to take over maintenance of the signs and to pursue any insurance claims that may be the result of damage to those signs. The Township would be responsible for the removal of any damaged signs and for installation of replacement signage. The Board had previously agreed to assume this responsibility.

#### *MOTION TO APPROVE BRADYWINE BATTLEFIELD SIGNAGE AGREEMENT*

Upon motion and second (Shipley, Thorpe), the Board unanimously approved that the Township take on the responsibility of the administration of the signage as noted in the Agreement presented.

#### CAMP SUNSET HILL

Mr. Donaghue reported that he had been contacted by an attorney representing Toll Brothers regarding their purchase of the Camp Sunset Hill property. The attorney suggested that representatives of Toll Brothers would like to meet with Township officials on an informal basis, the purpose of which would be purely information and would not trigger any MPC time deadlines. Representatives would give a general conceptual idea as to what Toll Brothers has in mind for the development of the area.

Mr. Shipley suggested that a public meeting be scheduled for either before the Board of Supervisor's meeting in April, or at 9:00 PM after the May Board of Supervisor's meeting under New Business. Mr. Donaghue suggested that it be made clear that this will be an informal presentation with no public participation. The suggestion was made that the Brandywine Conservancy or Bunch's Auction House be used for the meeting. Mr. Donaghue will confirm the specifics with Toll Brother's legal representative and advise Mrs. Love D'Elia as to the need for an alternate meeting location.

#### GARNET VW LAND DEVELOPMENT TREE ISSUE

Mr. Jensen reported that Garnet VW has requested Board of Supervisor's approval to remove approximately seven (7) large pine trees because of a sap problem on cars. Mr. Shipley suggested that Mr. Jensen ask Garnet VW to submit various alternatives to the proposal for consideration at a later date.

#### ROUTE 1 FEASIBILITY STUDY MEETING DATE

Mrs. Love D'Elia suggested that the Board set a date for a public hearing on the Route 1 Feasibility Study. No comments had been received by Board members subsequent to the last public meeting. Mr. Donaghue will review the proposal and advise on action by the Board. The Township will submit the revised plan to Delaware County Planning Department for review if necessary.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 10:05 PM.

Respectfully submitted,

MARYANN D. FURLONG,  
Township Secretary